

*Transformative mediation in forced marriage cases**

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Summary. *This article aims at fostering a dialogue among different experiences and positions in regard to the use of mediators in cases of forced marriage. Forced marriages are a subset of domestic violence and a violation of the human right to choose a partner. There are grey areas between a forced and an arranged marriage, customary in many cultures. Evidence is taken primarily from experiences in Denmark, Norway and the UK. A particular methodology, cross cultural transformative mediation (similar to victim advocacy), is explained and proponents and opponents of mediation are put into a fictitious dialogue.*

Key Words: *forced marriage, cross cultural transformative mediation.*

Theories of reference

Forced marriages belong to a subset of domestic violence and a violation of the human right to choose a partner (Bredal & Skjerven, 2007). The consent of the parties to marriage as an individual right is expressly set by the UN General Assembly: in Article 16 (2) of the Universal Declaration of Human Rights (1948), in Article 16 (1) of the Convention on the Elimination

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of All Forms of Discrimination against Women (CEDAW, adopted in 1979). This form of violence can happen both to females and males, but female victims are a clear majority: in Britain 85% of reported cases concern females.

Forced marriage is usually categorized as a subset of “honor crimes” because of the community pressure to “save” family honor, (Kvinnoforum, 2005; Welchman & Hossain, 2005).

The distinction between forced and arranged marriages is debated in policy more than in scientific literature. European Parliament resolutions such as the one against violence against women (2006/2010 (INI)) forbid forced, arranged, and convenience marriages. The British Government puts forced and arranged marriages into distinct categories, defining forced marriage as a marriage without the consent of one or both parties, where duress is involved (HM Government, 2010:4). Seyran Ateş, while agreeing to separate these concepts, points to a big grey area between them, with a high degree of risk of abusing women’s individual rights (Ateş, 2007). Arranged marriage, in fact, sometimes does not require more than a passive acceptance of the situation by the bride. The imbalance of power between parents and daughters (and sons, but we generalize with the feminine) is another factor that blurs the boundaries between forced and arranged marriages. In clear cases of marriage by force, the consent is extorted by threat, physical violence or deceit. In ambiguous cases, the psychological pressure by the parents can reach the level of psychological violence, but in many cultural contexts marriages arranged by the parents or by influential members of the extended family is considered by the spouses themselves a valid and acceptable way to organize one’s family life, as it was in Europe’s recent past. Research on children of migrants shows that they have a variety of opinions on what their parent’s role in their marriage should be (Samad, Eade; 2002; Als Research, 2011).

“Forced marriage” is in reality a label for a variety of situations, not only the promise of an unwilling daughter to someone, but also a remedy to extramarital pregnancy or to a disapproved relationship. Marriage can also simply be a way of controlling young women at risk of losing their reputation.

It is a stronghold of international practice of women’s shelters that no mediation is possible in cases of domestic violence (e.g. for this debate: Chandler, 1990; Perry, 1994; Pressar, Gaarder, 2000). The reason is that domestic violence is not a conflict, where two parts are in disagreement, but the very suppression of a disagreement by the imposition of one’s will by every conceivable mean, psychological and physical (Reale, 2011). The main risks are that the abuser can use mediation opportunities to exercise more violence, that his promises are not kept, that he does not even try to

find a compromise, but uses his apparent willingness to bind even more the victim to himself preventing her escape. While there are organisations that apply this prohibition also to forced marriage cases, some mediators attempt a dialogue with the aim of reducing the suffering of the victims and protecting them.

Farwha Nielsen, a consultant with an academic background and of Afghan origin living in Denmark, asserts that it is possible to practice a particular kind of mediation (*tværkulturel konfliktmægling*, officially translated as “cross-cultural transformative mediation”) in order to avoid the drastic choice of either leaving one’s family or accepting the imposition, since daughters that escape “in most cases” come back to the family of origin as they are not able to live without the family (Nielsen, 2011). This is a commonly noted cultural trait of “communitarian societies” though it also reminds of the frequent “relapses” of battered women who come back to live with their violent partner (this decision is of course questioned by women’s shelters but never impeded).

Bikim Bayam Tekeli, from Papatya, a German organization offering shelter to young women (age 13-21) of Turkish origin who flee family violence, writes:

“The price to pay to leave the family can be very high. [...] Very few girls have a circle of friends outside their families. When they leave their families, their school friends become estranged and accuse them of lacking respect towards their parents. Often idealized, freedom can turn out to be void. Instead of being free, they feel themselves abandoned. The strong emphasis on autonomy and individuality, according to the German and Western norms, masks a reality of isolation and fear of failure” (Bayam & Tekeli, 2004, pp. 110-111).

Our research question is: Should there be a space for mediation even in cases of forced marriages? If yes, what kind of mediation should be applied and by whom?

Description of the model presented

Mediation is commonly understood as a system of exchange of concessions: it is primarily a business practice aimed at reaching an agreement for a contract. Social and family mediation, instead, are particularly aimed at solving conflicts between individuals and groups. This is the general definition of conflict mediation:

“Mediation is the intervention in a dispute by a third party, neutral, impartial and accepted, who has not any authoritarian power to decide; it is an action aimed at

assisting the contending parties in reaching a voluntary and mutually acceptable accommodation in their dispute” (Arielli & Scotto, 2003, p. 147).

This definition, and practice, has opened up a debate on how realistic the assumption of absolute neutrality is. If we assume that neutrality can be attained, then mediation must be considered not applicable in cases of domestic violence. The rich literature in the field of family mediation and violence has not explicitly taken into account the cases of forced marriage, but the risks are the same.

There is however a form of mediation that openly rejects the neutrality assumption, nor considers it a value. *Transformative mediation* happens when the mediator acts on the basis of his or her values, consciously trying to defend the rights of the weakest parts (Baruch, Bush, & Folger, 1994). In cases of forced marriages, this would be the right of daughters to choose a spouse refusing the parents’ proposals.

The particular model proposed by Farwha Nielsen, founder of Ethnic Women Consult (EWC), to deal mainly with cases of conflict between parents and daughters in issues regarding freedom in intercultural situations, is called “cross-cultural transformative mediation” (CCTM). EWC and the mediators they have trained operate in Denmark and Norway focusing on mediation, if the victim so decides, after screening out a minority of cases when communication with the parents is impossible due to mental conditions or alcoholism/substance abuse. As mentioned above, escape from the family often brings feelings of isolation, nostalgia and serious psychological problems.

Safety problems are particularly felt in the small Danish country: (small Danish country? Denmark)

“Especially girls live in the constant fear that their families will discover and kill them. They must continuously watch out not to be found. Some of them cannot go out freely and must keep away from particular places and parts of town” (Nielsen, 2011, p. 27).

Dialogue with the parents is important as it can help in finding solutions to family *conflict*. Mediators, though, routinely apply this method also when *violence* is inflicted. CCTM provides a continuous monitoring of families in collaboration with the social services and the police (the police intervenes in the first place to make it clear to the family that forcing someone to marry is a criminal offence) to ascertain the fulfilling of the promises made to daughters, where the focus is not to achieve reconciliation, but to guarantee their safety. The promises are expressed in the form of a security contract. Before seeing the details of the model, we now present an opposite position that has emerged from debates in the UK, where the official approach

downplays mediation as an instrument of intervention in cases of forced marriage.

A working group on forced marriage was established in 1999. One year later the group took a position that fostered mediation at which point one participant, the Southall Black Sisters (SBS, a self-help Asian women's group), stepped out of the process stating: "Mediation with the purpose of reconciliation should never be offered in cases of forced marriage." (Southall Black Sisters, 2001). SBS highlighted the risks carried by mediation – in fact the same arguments why it should not be used in cases of domestic violence: poor reliability of the family's promise to respect daughters' will, unavailability of human rights as object of mediation and compromise, danger for the daughters to be tracked down by the families when they accept mediation (Siddiqui, 2005). The Working Group partially accepted this critique, requesting an evaluation of mediation (still not scheduled):

"Based on the evidence presented, the Working Group feels that victims should be able to access mediation as a mean of conflict resolution if they wish to do so. Their choice should be respected. But mediation services should only be provided where there are professional guidelines and a code of conduct, and only staff specifically trained in mediation skills should undertake this work" (Working group on forced marriage, 2000).

These conditions were specified as follows:

- "it does not place the victim at further risk of abuse – the safety of the individual must be the paramount concern
- a victim's advisor is not compromised by their involvement in mediation, leading to a loss of the victim's confidence in their advisor's role as advocate
- agreements are monitored and reviewed
- failures do not deter women from seeking further help, because of their experience of poor quality and unsuccessful mediation" (Working group on forced marriage, 2000).

These conditions are fulfilled by CCTM.

However, the most recent official British government text discourages mediation (HM Government, 2010). Chief Executives, directors and senior managers of people with public functions must ensure that staff has been given adequate training in order to understand the danger of family counselling, mediation, arbitration and reconciliation in cases of forced marriage and do not initiate, encourage or facilitate them. The document further states:

"In cases of forced marriage discussion with the family or any involvement of

the family or local community members will often place the child or young person at greater risk of harm” (H M Government, 2010, p. 21).

Moreover, there are warnings that some principles should never be applied:

“This includes the belief that the best place for them [young people and adults with support needs] is with their family and the practice of attempting to resolve cases through family counselling, mediation, arbitration and reconciliation” (HM Government, 2010, p. 19).

In sharp contrast to the British governments discouragement, in Denmark CCTM is always at the disposal of young people asking public authorities for help when parents discover that daughters have a boyfriend/girlfriend (sometimes of their same sex) that is deemed unsuitable to marry for reasons of ethnicity , religion or gender. When this happens, it is usually part of other conflicts around personal freedom in the choice of behavior, friends or clothing that sometimes can be as dramatic:

“In intercultural counselling we meet many youth that are involved in serious conflict with their families, as combined and forced marriages, problems associated with divorce, generational conflicts, including difficulties in education and disagreements about the challenges in youth’s lives. A diffuse kind of conflict, on which we work, is when a girl is in love with a boy. The two want to marry but cannot because their parents are against it. The pair then decides to flee from home, hoping that the family one day will accept their choice. The young pair is often much confused: on one hand they love each other, on the other they have to say goodbye to their families in order to be together. This creates a big dilemma both for the pair and for the professional consultant” (Nielsen, 2005).

This typical situation is not immediately a situation of violence, but in a worst case scenario it can lead to a forced marriage. Another mediator says:

“Most of the mediations are about forced marriages, or be able to choose your own husband. Maybe it hasn’t come to a forced marriage, but the young girl has found a guy, she wants to marry and the parents discover that and need help.” (LOKK, interview).

Cases emerge mainly through a dedicated helpline, but also through reports by teachers, social workers and the police. The will of the daughter in choosing if and how to contact the family is respected. It is important that conflicts are handled quickly before they escalate, this is usually when the community becomes aware of the daughter’s flight, putting the reputation of

the family at risk. It is vital for the success of CCTM to show that the daughter is not alone and the authorities are behind them. Moreover, the police engagement can give the family a good excuse to resist community pressure to fulfil honor prescriptions.

A mediator is needed because it is often impossible to have a true dialogue between parents and daughters due to the hierarchical construct of the family. Support in finding out what the daughters want while they are in a safe position (a shelter) away from the family is also part of the mediator's work..

Some conflicts are impossible to solve, as in some families the desire of a young woman is to have male friends, and in most cases sexual freedom. A new identity and papers is often the outcome of unsolved conflicts. Nielsen's point is that this should be the last resort, and not the first, quasi-automatic answer: "In cases where violence has a particularly gross quality, or where it is not possible, for different reasons, to communicate with the parents, of course the permanent 'flight' from the family is the only solution (Nielsen, 2011, p. 9), but this is also discussed with the daughter.

The typical mediation begins when the daughters are in a shelter and public authorities inform the parents that they are safe, inviting them to a mediation session, that most often takes place at the municipality or at the police station, as intervening in the family conflict can be dangerous for the mediators and professionals, especially – it is noted – in cases of infidelity, pregnancy outside marriage and rape.

The aim of mediation is the signing of a contract that does not only have a symbolic value, but contains guidelines for following up the situation: how often can the family be contacted to make sure that the contract is fulfilled, safe ways for the daughters to contact helping bodies when in need, etc.

There is a team composed of the mediator, social workers, welfare officers, policemen, lawyers and other competent figures that meet previously to plan the intervention. Mediation then is concretely performed by one individual, but others from the team are present. For a mediator it is generally an advantage to belong to a minority, but the flip side is that some families can mistrust the confidentiality of a person with their same origin. Age is a plus:

"They are more likely to face a conflict if an 'elderly' talks to other 'elderly', rather than crossing age lines" (Nielsen, 2011, p. 46). Gender has effects, too, because women risk not to be taken seriously but "in some cases it is an advantage to be a woman: it brings down aggression from the male counterpart" (Nielsen, 2011, p. 124).

From our interview with a mediator from LOKK, the association of antiviolence centers in Denmark, this is what the normal situation looks like:

“When we meet the family at the first mediation, both we as mediators and the police do whatever we can to make it a nice, good atmosphere. We’re very friendly, we always start by inviting the family to tell us how they feel: ‘How has it been for you? I know, it must be difficult, and it’s very good for the family because it’s the first time anyone ever listens to their thoughts and respect that this is difficult for them. They are not bad people, they have bad ways of behaving, maybe, but they do it out of love, in their context [...] And it often takes about an hour, then we take a break and then the next hour is about negotiation. Because of the first hour I have earned the right to talk to them about difficult things. [...]. So I’ll try to negotiate what the girl wants me to negotiate about, and sometimes we find the solution and sometimes the family doesn’t want to have anything to do with the young girl. Often, fortunately, it is for maybe a few years and then they will take her into the family again” (LOKK, interview).

Review of data resulting from comparisons

Unfortunately there is no possibility to do a meta-analysis with proper quantitative data, which would be: how many times has transformative mediation been attempted and in what circumstances (what the conflict was about), how many cases have been successful (how many of which were a reconciliation between parents and daughters that came back to live together, and how many sanctioned a separation, in speaking or not speaking terms), at how many years of distance the mediation is still judged successful by the potential victim.

The only data available comes from LOKK: in 2007, LOKK has made 21 attempts with CCTM in conflicts relative to honor, and 20 had a positive outcome, where the solution was accepted both by parents and daughters; in 2008 out of 20 attempts, 19 had good results (press articles). Nielsen confirms that: “There are no statistics on the subject but I would say that nearly 90% of the cases I have been involved in resulted in a positive dialogue in which the implicated persons reach an agreement. It is difficult to say anything about those cases in which the victim chooses not to continue her contact with the family. In my experience most of them return back to their families at some stage in their lives” (interview).

The UK *Report on the implementation of the multi-agency statutory guidance for dealing with forced marriage* does not present this kind of data either, but rather a qualitative assessment showing poor results, even in the participation of agencies in the research. Mediation was not evaluated in particular, but it was noted that the follow-up of the victim’s situation is not really taking place (Forced Marriage Unit, 2008). The report concludes, in general, without definitive results on which methods work best.

A study about methods against honour-related violence employed in six European countries discusses *empowerment* of the victim that has left home versus *mediation*, and both appear to give good results (Jensen et al., 2006). Of course the labels simplify excessively: empowerment of the victim is a strategy employed in mediation too. The question of how long the victims should be followed and helped is raised, but left unanswered.

The most recent research on methods based on dialogue employed in situation at risk of honor-related violence in Norway has mapped the organizations that practice different forms of dialogue or mediation, that have spread in the country in the last decade (Hydle & Bredal, 2011). The goal was to explore the possibilities and state the constraints on these methods. The report does not present quantitative data, but only some case studies. The authors quote a Danish mediator on forced marriage cases, Manu Sareen, that states that the outcome of mediation can also be bad, and it strongly depends on the personal and professional qualities of the mediator, including his or her experience (Hydle, Bredal, 2011, p. 48).

We can proceed to a qualitative assessment of the CCTM model by staging a dialogue at distance between proponents and opponents of mediation. The synthesis will show that in fact there are many general statements that are agreed upon by both parties.

What kind of “mediation”?

Opponents to mediation (“Con”) do not in fact discuss transformative mediation, but the more traditional models.

“Mediation for us has been very much about the involvement of a mediator and try to bring parties together in a dispute, and we don’t think that it works in a situation of abuse because there’s always someone more powerful [...] It’s never been a safe thing” (SBS, interview).

In cross-cultural mediation the parties are not brought together in the first place, though this may happen at a later stage, since transformative mediation never happens in a single attempt. This answers also another concern of the opponents, namely that the perpetrators can use mediation opportunities to exercise more violence:

“The mediator contacts the parents and says that the youth does not wish personal contact now, and they should first sign a safety contract, where they agree not to persecute or damage their daughter” (Nielsen 2011:78-79).

“We want the girl to be in a safe place when we start to do this mediation.

Because it's the most dangerous time at all, since the family know now that someone outside the family knows about this and they would do anything just to get the girl home very very fast. [...] I would say almost 90-99% of the cases are from shelters or from the police" (LOKK, interview).

The role of mediator is more the one of an agent for the victim of violence, which does not correspond to the common practice of mediation in many non white contexts where mediators are chosen in the family's inner circle: "Families would do whatever it takes to solve conflicts inside their structure, and often it is the decision of the eldest that is respected [...] therefore they try to protect their name, fame and status" (Nielsen, 2011, p. 46), also because:

"The goal is to make appeal to the wellness of the parents with an argumentation with cultural and religious aspects" (Nielsen, 2011, p. 50).

Although an apt mode of mediation "should not be culturally stranger to the target group of parents" (Nielsen, 2011, p. 37), it is worthwhile to quote in length an interview excerpt by the opponents on the reasons why even mediation made by community leaders does not work: "They just go and do what they have always done rather than putting theory in practise. What they've been saying publicly, they don't practise. Because publicly it looks good to go against forced marriage and domestic violence. In practise they don't because also they would get criticised, accused to break families, to destroy families, their leadership would be in question [...] I went to a meeting of lawyers in Tower Hamlets in the Muslim Resource Centre. They had all the lawyers, the top lawyers, the judges and the mosque people from there, and they say: 'This terrible forced marriage, it is terrible', but when you ask someone what they would do, they say: 'Well if she comes to me, I think she should talk to the family'. That's mediation and that's what they do." (SBS, interview).

Summing up, there is a shared view that: "Safety of the victim must be guaranteed". Another general statement that both parties make is: "Traditional models don't work", as we can see from the following interview excerpt.

"The women often use mediation themselves first. They go to the community elders, they go to the leadership, to the family elders and say: 'Look, you know, we are having these problems'. Our community, our families, extended families and community leaders get involved (there are increasing *shari'a* courts, religious tribunals) only to find the women don't get protection, they don't get justice through that system, because usually the women are blamed for the breakdown of the marriage. The violence is so often not questioned, not challenged, the status quo, the male power, its justifications, the honour

justifications, and all that is not challenged, so women go back on the promise that things will be better in order to find that those promises are broken. Nobody can enforce any promises that are made. As powerful you may be, once you go back home they are left to their own devices” (SBS, interview).

As with the other sources by opponents, this excerpt implicitly generalizes from the situation of women who escape from forced marriages that they entered, so the main problem turns out to be the stigmatization of the divorced woman. The problems of young generations confronted with the lack of choice in marriage are a partially different issue, as the marriage has not been entered yet, so there is more space to defend one’s position in contrast with the family’s will. Though the main scope of CCTM seems the conflict between parents and daughters, Nielsen states:

“I have applied the method with a great success in divorced cases, especially those when the marriage was enforced on the young person. The mediation does not stop until the marriage is dissolved both according to Islamic law and to the Danish law. The *shari’a* divorce is only pursued when it is important for the woman. Even when a young woman wants to cut off ties with her family, it is recommended to have a dialogue with the family in order to make it clear to them she is not to be contacted. The procedure is different depending on the age of the victim. If the woman does not want the authorities to contact her family, she will be encouraged to give them permission to approach the family in order to make clear to them that she is protected. The aim is to prevent the family from searching her and in my experience when they know that the police and municipalities are involved in her protection, they do not pursue their quest” (interview).

Is there a compromise on human rights?

This issue is raised by the opponents. A quotation from the “Pro”:

“Generally the contacts are made with the desires and needs of the young, but after discussion with the family points or desires from other family members can be added” (Nielsen, 2011, p. 118).

It is also stated that it is not acceptable to make the daughter do something against her will. Nielsen writes that she personally refused a case where the victim was willing to compromise her human rights, insisting to marry a violent partner that was disapproved by the family for this very reason.

So the most general statement that both parties make is: “There must be no compromise of human rights”.

Power of the mediator: theory and practice

There are different issues around the power of mediators: one is whether they have formal training, not officially required, another is his or her personal competences and capacities, the third question is the structural power of the mediator, a fourth is the situation that arises when mediation is decided by authorities. The power imbalance between the young victims and the mediator should be noted. It is the mediator that gives them “a reality check”: “The conception that youth have of what kind of help is given and what can be done does not always agree with reality” (Jensen et al. 2006, p. 86, on Norway).

Mediators have a great power that starts from the very decisions to act in a particular case. In theory this decision should rest with the victim, but it is concretely the mediator that judges whether it is possible to talk to the family: “I go to the crisis centre and I talk to the young girl (often it is a girl), and I decide during that conversation if it’s relevant for mediation. So I talk about what kind of family she’s from, how they usually react when girls are doing something which is not ok connected to the honour, if they are violent or it is possible to talk to them” (LOKK, interview).

Acting on behalf of the victim and some empathy with the perpetrators are both required for opening a dialogue (“They are not bad people” quoted above) and must be kept in a difficult balance. Only formalized training and constant auto-monitoring can give some guarantees that the power of the mediator is used in a correct way, and not to send the daughters back home. A Norwegian report concludes: “There is little systematic knowledge on the method’s constraints” (IMDi 2012, p. 176).

The very decision to impose mediation or make a victim of violence accept it when it is not in her interest shows that the power of mediators (or rather of the authorities deciding so) can be used in a wrong way. This is not the theory of CCTM, but these actions happen and the proponents are aware and worried about it, while opponents denounce it – as we see here by quoting a woman called Hina:

“Social services and the police step in straight away where there is child abuse, but not where young Asian women and girls are under the same or greater risk because of forced marriage, like I was from the age of ten. They are afraid of interfering in the culture and being called racist. When they do get involved, mediation often comes first, safety second. The little control women have over their lives is then completely taken away from them. Women are treated as if they were guilty until proven innocent” (Siddiqui, 2003, p. 80).

Women from minority groups have been particular targets for mediation even after Vandana Patel was killed in 1991 by her husband during a

mediation session organized by the police: “Yet the police continue with mediation and in one case, at least, have established a post where an officer is responsible for mediating between the Asian community and women escaping forced marriage” (Siddiqui, 2003, p. 81).

What happens after mediation?

Con:

“I know girls who think ‘Ok, this is sorted’, then the parents propose them to go abroad and they think this is going to be fine, and they risk to be killed, or to be forced into marriage or whatever. The family tries to remove them further from systems of support” (SBS, interview).

Pro:

“In the cases where daughters had tried to cut themselves from their family, if they nonetheless came back (which many have made) they risked to come back to an existence much more full of risks, with (among other things) more strict social control and rigid gender roles and violent oppression” (Nielsen 2011, p. 26).

Both parties agree that: “There is more danger in coming back to the family when a flight has happened”.

What is the role of the State (social workers and police) after mediation?

Con:

“The State itself may not even monitor the situation even if you have laws, if you have social services and child protection. They think everything is all right, they are strait for resources [...] There is no social worker allocated to them, nobody is monitoring the possibility to go abroad and still go through the same problem” (SBS, interview).

The role of social services can even be counterproductive:

“The social services always use mediation, because even if they got a child in care, their primary aim is to keep the family together, so they would organize meetings with parents even when the girls don’t want to. They are very unlikely to take the children into care and not have any contact with their families [...] There is a pressure to use mediation, or conciliation as well, rather than go to

court to try to settle family matters and there has always been an exemption on victims of domestic violence, but it is going to be hard to get that exemption” (SBS, interview).

We have already spoken at length about the importance of monitoring in CCTM, so we can conclude that both parties agree that: “**The victim can never be safe without monitoring**”. In Denmark authorities are ready to follow up the cases, while in Britain this is rarely done (Forced Marriage Unit, 2008) supporting in fact the position of SBS contrary to mediation.

When does the follow up finish?

Con:

“It may work at first because lots of people are watching. But once that is over...” (SBS, interview). In the guidelines on CCTM this remains not clear, but possibly it is because it is difficult to generalize.

Pro:

“I have had cases in which the authorities have followed the woman for 2 years or more but it is not very common. Mostly 3-6 months and the young person is advised to contact the authorities if the problem occurs again” (EWC, interview).

Critical discussion of the results and conclusions.

Cross-cultural transformative mediation shows success stories (case studies in Nielsen, 2011) in cases of forced marriage. It rebuffs the theories that make mediation applicable only where there is a conflict and not in situation of violence. It seems that SBS absolute refusal of mediation generalizes from the situation of women who escape from forced marriages that they have already entered – while the field of action of the Danish method of CCTM is more commonly forced marriage or the threat of forced marriage as a response to conflicts between parents and daughters. The cases of forced marriage that the proponent of this method address, are mainly cases when the victims are “second generation” youth, while opponents of mediation seem to generalize from the situation of forced marriage that the woman wants to end by divorce. The conflict/violence happens across generations, where the daughters are by definition already in a position of vulnerability towards their parents, even more in minorities surrounded by racist societies, where minorities’ culture teaches that individuals are

primarily a part of a family. The mediator acts of behalf of the victim, and it can be called as such only for the prospect of transformative mediation: usually “mediators” strive to be neutral, but not in this case.

The method does not entail the ideological aim to restore family unit, nor does it consider the family unit as a value in itself regardless of the individual’s (especially women’s) well-being. It uses the force of the State to stop violence, often left unchecked because violence is not recognized as such, but “it is their culture”, incomprehensible and impossible to change. This “cultural justification” is popular among Italians confronted with the problem of forced marriages (Danna, 2011). From British and Danish sources we know that debate has brought about shifts in public opinion:

“They may question forced marriage a lot more now than they used to, because it was seen as a cultural practise, that they have to respect” (SBS, interview); “The concept of culture is understood as static, impossible to change and impossible to influence [...] What is needed is to stop the dominant conception of parents of minorities, that they cannot change their traditional values through dialogue” (Nielsen, 2011, p. 27).

We have shown that both sides share a common perception of problems, but the proposing side has the resources to find solutions. It is evident that the method cannot fully work without a level of resources devoted to social work that is normal in Denmark but not customary in Britain (nor in Italy, for that matter).

In Denmark resources devoted to tackling this social problem are high; there are teams of mediators, social workers, police, and not just one welfare officer taking care of one case. This, of course, does not guarantee that every case is followed with the maximum of resources and that all mediators are trained in CCTM. In the Italian context, the debate has just begun, but cuts to social work funds have already taken place. There is a risk that mediation would be proposed for ideological reasons and maybe accepted, but the necessary follow-up that really protects daughters from parents’ violence will remain just a promise. In this case, opposition to mediation, following British arguments, seems the most logical way to go.

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